

To: Scanning (Remsen Bldg _____)
From: Board of Patent Appeals
and Interferences (BPAI)

Scanning Coversheet



Serial No. 09 / 730174

Incoming _____ Date Received: _____

Outgoing ☒ _____ Date Mailed: 8/30/07

TOC Code: INT. DECL

Document Type: Declaration
(Name of Document)

Annotations: Interference No. 105575

Note: This paper has been mailed by
BPAI.

INTERFERENCE DIGEST

Interference No. 105,575

Paper No.

Name: Richard J. Zahradnik, et al.

Serial No.: 09/730,174

Patent No. 6,838,264, granted 01/04/05

Title: Antibodies and peptide antigens for producing antibodies having a selective binding specificity to bioactive intact parathyroid hormone (PTH)1-84

Filed: 12/05/00

Interference with Cantor

DECISION ON MOTIONS

Administrative Patent Judge, _____ Dated, _____

FINAL DECISION

Board of Patent Appeals and Interferences, _____ Dated, _____

Court, _____ Dated, _____

REMARKS

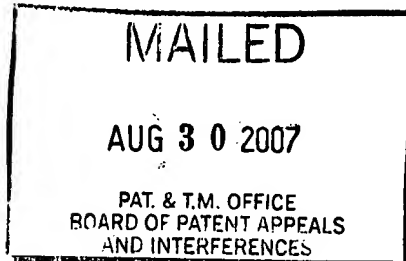
This should be placed in each application or patent involved in interference in addition to the interference letters.



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Michael P. Tierney
Telephone: 571-272-4683
Facsimile: 571-273-0042



Patentees: ZAHRADNIK
Application No.: 09/730,174, now Patent No.
6,838,264, granted 01/04/05

Filed: 12/05/00

For: Antibodies and peptide antigens for producing
antibodies having a selective binding specificity
to bioactive intact parathyroid hormone (PTH)1-84

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,575.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Michael P. Tierney/
MICHAEL P. TIERNEY
Administrative Patent Judge

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Filed 30 August 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

THOMAS L. CANTOR
Junior Party
(U.S. Patent Application 10/641,780),

v.

RICHARD J. ZAHRADNIK and JEFFREY R. LAVIGNE
Senior Party
(U.S. Patent 6,838,264).

Patent Interference No. 105,575 (MPT)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. ' 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

(if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m.** on **October 18, 2007** (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Thomas L. Cantor, El Cajon, CA
Involved Application: U.S. Application 10/641,780, filed **August 15, 2003**
Title: METHODS FOR DIFFERENTIATING AND MONITORING PARATHYROID AND BONE STATUS RELATED DISEASES
Assignee: Scantibodies Laboratory, Inc.

Senior Party

Named Inventors: Richard J. Zahradnik, Dana Point, CA
Jeffrey R. Lavigne, San Juan Capistrano, CA
Involved Patent: U.S. Pat. 6,838,264, issued on January 4, 2005, based upon U.S. Application 09/730,174, filed **December 5, 2000.**
Title: ANTIBODIES AND PEPTIDE ANTIGENS FOR PRODUCING ANTIBODIES HAVING A SELECTIVE BINDING SPECIFICITY TO BIOACTIVE INTACT PARATHYROID HORMONE (PTH) 1-84
Assignee: Immunotopics, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Claim 1 of U.S. Pat. 6,838,264.

The claims of the parties are:

Zahradnik, U.S. Pat. 6,838,264:	1-5
Cantor, U.S. App. 10/641,780:	47, 49-51, 53-54 and 59-68

The claims of the parties which correspond to Count 1 are:

Zahradnik, U.S. Pat. 6,838,264:	1-5
Cantor, U.S. App. 10/641,780:	47, 49-51, 53-54 and 59-68

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Zahradnik, U.S. Pat. 6,838,264:	None
Cantor, U.S. App. 10/641,780:	None

The parties are accorded the following benefit for Count 1:

Cantor: None²

Zahradnik: None

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,
see SO ¶ 106.1.1:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

THOMAS L. CANTOR
Junior Party
(U.S. Patent Application 10/641,780),

v.

RICHARD J. ZAHRADNIK and JEFFREY R. LAVIGNE
Senior Party
(U.S. Patent 6,838,264).

Patent Interference No. 105,575 (MPT)
(Technology Center 1600)

2 Cantor's involved '780 application claims 35 U.S.C. 120 benefit of U.S. Application 09/344,639, filed June 26, 1999, which issued as U.S. Pat. 6,743,590 on June 1, 2004. No priority benefit is accorded to the '639 application at this time.

Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Michael P. Tierney/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Copy U.S. Patent 6,838,264
Copy of claims of 10/641,780

Revised 3 January 2006

cc (via overnight delivery):

Attorney for CANTOR:

Peng Chen, Esq.
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, CA 92130-2040
Tel: 858-720-5100

Attorney for ZAHRADNIK:

Matthew A Newboles, Esq.
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, CA 92656
Tel : 949-855-1246